

MONTANA LEGISLATIVE HISTORY

Chapter 14 1991

Bill H 85 S _____

Original bill & history ☒ C

H. Committee on Labor + Employment

S. Committee on State Administration

Hearing Date(s) 1/10 _____ C

Hearing Date(s) 1/23 _____ C

_____ C

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_____ C

Date Out 1/23 _____ C

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

HOUSE FINAL STATUS

HB 87

2/09 TRANSMITTED TO GOVERNOR
 2/14 SIGNED BY GOVERNOR
 CHAPTER NUMBER 24

EFFECTIVE DATE: 10/01/91

HB 85 INTRODUCED BY STANG
 REQUIRE HIGHWAY PERSONNEL GRIEVANCES
 TO BE FILED WITHIN 180 DAYS
 BY REQUEST OF DEPARTMENT OF HIGHWAYS

1/03	INTRODUCED		
1/03	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
1/07	FIRST READING		
1/10	HEARING		
1/11	COMMITTEE REPORT—BILL PASSED		
1/15	2ND READING PASSED	99	0
1/17	3RD READING PASSED	98	1

	TRANSMITTED TO SENATE		
1/18	FIRST READING		
1/18	REFERRED TO STATE ADMINISTRATION		
1/23	HEARING		
1/23	COMMITTEE REPORT—BILL CONCURRED		
1/23	PLACED ON CONSENT CALENDAR		
1/25	OBJECTION TO CONSENT CALENDAR FILED		
1/28	2ND READING CONCURRED	46	2
1/29	3RD READING CONCURRED	43	5

	RETURNED TO HOUSE		
2/04	SIGNED BY SPEAKER		
2/04	SIGNED BY PRESIDENT		
2/04	TRANSMITTED TO GOVERNOR		
2/07	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 14		

EFFECTIVE DATE: 10/01/91

HB 86 INTRODUCED BY STANG
 REVISE SPEED LIMIT AUTHORITY IN
 MUNICIPALITIES AND URBAN AREAS
 BY REQUEST OF DEPARTMENT OF HIGHWAYS

1/03	INTRODUCED		
1/03	REFERRED TO HIGHWAYS & TRANSPORTATION		
1/07	FIRST READING		
1/17	HEARING		
1/23	COMMITTEE REPORT—BILL NOT PASSED		
1/24	ADVERSE COMMITTEE REPORT ADOPTED	83	7

HB 87 INTRODUCED BY STANG
 INTERSTATE HIGHWAY MAINTENANCE SERVICE AGREEMENTS
 BY REQUEST OF DEPARTMENT OF HIGHWAYS

1/03	INTRODUCED		
1/03	REFERRED TO HIGHWAYS & TRANSPORTATION		
1/07	FIRST READING		
1/17	HEARING		
2/06	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/08	2ND READING PASSED	77	15
2/11	3RD READING PASSED	89	10
	TRANSMITTED TO SENATE		
2/12	FIRST READING		
2/12	REFERRED TO HIGHWAYS & TRANSPORTATION		
3/12	HEARING		
3/13	COMMITTEE REPORT—BILL CONCURRED		
3/15	2ND READING CONCURRED	48	0
3/16	3RD READING CONCURRED	49	0

RETURNED TO HOUSE

HOUSE BILL NO. 85

INTRODUCED BY STANG
BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

IN THE HOUSE

JANUARY 3, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON LABOR & EMPLOYMENT RELATIONS.
JANUARY 7, 1991	FIRST READING.
JANUARY 11, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 14, 1991	PRINTING REPORT.
JANUARY 15, 1991	SECOND READING, DO PASS.
JANUARY 16, 1991	ENGROSSING REPORT.
JANUARY 17, 1991	THIRD READING, PASSED. AYES, 98; NOES, 1.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 18, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
JANUARY 23, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
	POSTED ON CONSENT CALENDAR.
JANUARY 24, 1991	CONSENT CALENDAR, QUESTIONS AND ANSWERS.
JANUARY 25, 1991	OBJECTION TO CONSENT CALENDAR FILED.
JANUARY 28, 1991	SECOND READING, CONCURRED IN.
JANUARY 29, 1991	THIRD READING, CONCURRED IN. AYES, 43; NOES, 5.
	RETURNED TO HOUSE.

IN THE HOUSE

JANUARY 30, 1991

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

HOUSE BILL NO. 85

INTRODUCED BY STANG

BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A TIME PERIOD OF 180 DAYS IN WHICH AN EMPLOYEE OF THE DEPARTMENT OF HIGHWAYS MAY FILE A PERSONNEL GRIEVANCE WITH THE BOARD OF PERSONNEL APPEALS; BARRING GRIEVANCES FILED LATE; AND AMENDING SECTION 2-18-1001, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-18-1001, MCA, is amended to read:

"2-18-1001. Highway department personnel grievances -- hearing. (1) An employee of the department of highways aggrieved by a serious matter of his employment based upon work conditions, supervision, or the result of an administrative action and who has exhausted all other administrative remedies is entitled to a hearing before the board of personnel appeals, under the provisions of a grievance procedure to be prescribed by the board, for resolution of the grievance.

(2) Direct or indirect interference, restraint, coercion, or retaliation by an employee's supervisor or the department of highways against an aggrieved employee because the employee has filed or attempted to file a grievance with

the board shall also be basis for a grievance and shall entitle the employee to a hearing before the board for resolution.

(3) A grievance under this part must be filed with the board of personnel appeals within 180 days after the alleged incident or action occurred. Failure to file the grievance within this period is a bar to proceeding with the grievance."

-End-

MONTANA LEGISLATIVE COUNCIL BILL STATUS SYSTEM
FINAL COMMITTEE REPORT OF REFERRED BILLS
COMMITTEE--(H) LABOR & EMPLOY REL

PAGE NBR..... 102
RUN TIME13:25
RUN DATE.... 06/04/91

CHAIRMAN--CAROLYN SQUIRES
NORMAL SCHEDULE==> SITE: ROOM 312-1

DAYS: M,W,F

TIME: 3:00 P.M.

SECRETARY-JENNIFER THOMPSON

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0018	12/27	1/08		DO PASS		1/09
DRISCOLL, JERRY			REVISE QUALIFICATION FOR JOURNEYMAN PLUMBER LICENSE			
HB0021	12/27	1/17		TABLED ON 01/29		
THOMAS, FRED			REVISE STATE MINIMUM WAGE LAW TO CONFORM WITH FEDERAL LAW			
HB0028	12/27	1/10		PASS AS AMENDED		1/23
HANSON, SONNY			REQUIRE PUBLIC CONTRACTS & BID SPECIFICATIONS TO STATE PREVAILING WAGE RATE			
HB0044	12/29	1/24		TABLED ON 02/07		
COBB, JOHN			REPEAL JULY 1990 WORK COMP STATE FUND RATE INCREASES AND REQUIRE REFUNDS			
HB0060	12/31	1/17		DO PASS		1/29
HARRINGTON, DAN			EXCLUDE MEAL ALLOWANCE FROM MINIMUM WAGE PAID TO MONTANA EMPLOYEES			
HB0068	12/31	1/22		DO PASS		1/23
WHALEN, TIM			REVISE ELIGIBILITY AND DISQUALIFICATION FOR UNEMPLOYMENT INSURANCE BENEFITS			
HB0085	1/03	1/10		DO PASS		1/11
STANG, BARRY			REQUIRE HIGHWAY PERSONNEL GRIEVANCES TO BE FILED WITHIN 180 DAYS			
HB0110	1/05	2/12		PASS AS AMENDED		2/18
GILBERT, BOB			AMEND LAW RELATING TO THE REGULATION OF BLOOD AND URINE TESTING			
HB0112	1/07	1/22		TABLED ON 01/22		
DRISCOLL, JERRY			REMOVE EMPLOYER CHILD SUPPORT INQUIRY			
HB0124	1/09	2/19		PASS AS AMENDED	APPROPRIATIONS	2/22
GILBERT, BOB			REQUIRE DEPT OF LABOR/INDUSTRY TO PAY EXPENSES OF PUBLIC EMPLOYMENT OFFICES			
HB0140	1/10	1/22		PASS AS AMENDED		1/23
DANEV, BOB			REQUIRE STATE EMPLOYEE TO NOTIFY SUPERVISOR OF JOB OFFER BY REGULATED PERSON			

STATUS SHEET - 1991

BILL #	DATE 1st ENTERED COMMITTEE	DATE 1st HEARD IN COMMITTEE	"TABLED" DATE	"DO PASS" DATE	"DO NOT PASS" DATE	"DO PASS AMENDED" DATE	"DO NOT PASS AS AMENDED" DATE	"BE CONCURRED" DATE	"BE NOT CONCURRED" DATE	"BE CONCURRED AMENDED" DATE	"BE NOT CONCURRED AMENDED" DATE	OUT OF COMM. DATE
SB18	1/7	1/8		1/8								1/8
21	1/7	1/17, 1/29	1/29									
28	1/7	1/10, 1/15, 1/22				1/22						1/22
44	1/7	1/24, 2/5, 2/7	2/7									
60	1/7	1/17, 1/24		1/24								1/24
68	1/7	1/22		1/22								1/22
85	1/7	1/10		1/10								1/10
110	1/8	2/12, 2/16				2/16						2/16
112	1/8	1/22	1/22									
124	1/10	2/19, 2/21				2/21						2/21
140	1/11	1/22				1/22						1/22
141	1/11	1/24, 2/5				2/5						2/5
152	1/12	1/17, 1/29				1/29						1/29
187	1/15	1/29, 2/5				2/5						2/5
204	1/16	1/29		1/29								1/29
232	1/18	1/29, 2/5				2/5						2/5
251	1/18	1/31		1/31								1/31
SB11	1/18	2/7						2/7				2/7
SB256	1/18	1/31		1/31								1/31
SB14	1/21	3/5, 3/7						3/7				3/7
SB271	1/21	2/14				2/14						2/14
SB280	1/21	1/31				1/31						1/31
SB28	1/22	3/5, 3/7						3/7				3/7

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

Call to Order: By Chair Carolyn Squires, on January 10, 1991, at 3:00 p.m.

ROLL CALL

Members Present:

Carolyn Squires, Chairman (D)
Tom Kilpatrick, Vice-Chairman (D)
Gary Beck (D)
Steve Benedict (R)
Vicki Cocchiarella (D)
Ed Dolezal (D)
Jerry Driscoll (D)
Russell Fagg (R)
H.S. "Sonny" Hanson (R)
David Hoffman (R)
Royal Johnson (R)
Thomas Lee (R)
Mark O'Keefe (D)
Bob Pavlovich (D)
Jim Southworth (D)
Fred Thomas (R)
Dave Wanzenried (D)
Tim Whalen (D)

Staff Present: Eddy McClure, Legislative Council
Jennifer Thompson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: Chair Squires discussed the importance of the visitors signing in. People who do not sign in when they present their testimony will not be recorded in the minutes. She also discussed addressing the Chair so that the secretary can hear the names of the individuals and representatives that are addressing the questions.

HEARING ON HB 28

Presentation and Opening Statement by Sponsor:

REP. H.S. "SONNY" HANSON, House District 87, stated HB 28 is an attempt to reduce paperwork and costs to political subdivisions, which are state, cities, counties, school districts, etc. Presently, the design profession prepares a set of specifications for the construction of a project. The prevailing wage rates are

under section 1, except those for the Highway, must contain a provision requiring the contractor to pay the standard prevailing wage rates. REP. WANZENRIED said to REP. HANSON the bill itself doesn't say that you are referencing the prevailing wage rates that are on file some place. I think that is where the confusion and the concern comes from. REP. HANSON said there would be no objection to taking for example line 23 that says the standard prevailing wage rates, but to go ahead and put parenthesis on that and put a specific updated version that is available or something of that nature. It is important that the designer include something dealing with wages in the specifications. The wage rates have to be referenced.

Closing by Sponsor:

REP. HANSON referred back to the Supreme Court ruling. He quoted from the 1979 law in effect before this, "The Montana Commissioner of Labor may determine the standard prevailing rate of wages in the country or locality in which the contract is to be performed." The 1989 Prevailing Rate of Wage says, "The Montana Commissioner of Labor may determine the standard prevailing rate of wages applicable to public work's contracts under this part." The key word is public work. The designer used the phrase, Standard Prevailing Rates. Consequently, rate wasn't defined. The Supreme Court found that the State claims that it considered three sources to determine the SPR: 1. Wage rate information compiled by the Employment Security Division. 2. Davis Bacon Act Rates published by the United States Department of Labor. 3. Local collective bargaining agreements. The rates established by the state were taken verbatim from number three. This contractor determined what the prevailing wage rates were in that district and used that in his case. The Supreme Court viewed the problem as one of contract interpretation where no specific government rates were in the contract. The Court focused on whether Respondent, as a contracting party, properly interpreted the term standard prevailing rate.

EXECUTIVE ACTION ON HB 28

Recommendation:

CHAIR SQUIRES deferred Executive Action on HB 28 until next Tuesday, January 15, 1991, to give Eddy McClure a chance to read the Yellow Bay Decision.

HEARING ON 85

Presentation and Opening Statement by Sponsor:

REP. BARRY STANG, House District 52, is sponsoring HB 85 for the Department of Highways. It establishes a 180-day period in which Highway employees may file a grievance. This would bring the Highway Department into compliance with the same schedule the National Labor Relations Board uses for private grievances for employees that have been dismissed.

Proponents' Testimony:

James Beck, Department of Highways, stated that currently there is no statute of limitations on when an employee can file a grievance. This establishes a 180-day statute of limitations in which to file a grievance or deem it waived.

Opponents' Testimony: none

Questions From Committee Members:

REP. O'KEEFE questioned REP. STANG if HB 85 put the Highway Department in compliance with the Department of Labor's standards. REP. STANG said he didn't know, but it corresponds with the Labor Relations Board's 180-day period for filing grievances. It brings them into the same standards set for filing grievances throughout the country.

Closing by Sponsor:

REP. STANG said the Department of Highways gave him five examples of grievances that were filed. Example: June 18, 1982, grievant and supervisor had a disagreement and the grievant left work and filed a complaint with the Board in March of 1984 alleging that he was fired by the supervisor.

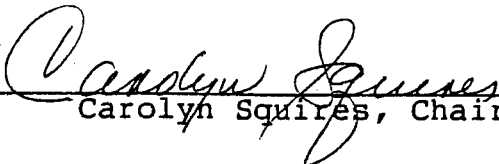
EXECUTIVE ACTION ON HB 85

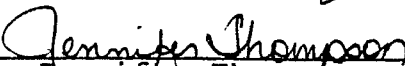
Motion: REP. PAVLOVICH moved HB 85 DO PASS.

Recommendation and Vote: The motion CARRIED unanimously.

ADJOURNMENT

Adjournment: 3:50 p.m.


Carolyn Squires, Chairman


Jennifer Thompson, Secretary

CS/jt

HOUSE OF REPRESENTATIVES

LABOR AND EMPLOYMENT RELATIONS COMMITTEE

ROLL CALL

DATE 1/10/91

NAME	PRESENT	ABSENT	EXCUSED
REP. JERRY DRISCOLL	✓		
REP. MARK O'KEEFE	✓		
REP. GARY BECK	✓		
REP. STEVE BENEDICT	✓		
REP. VICKI COCCHIARELLA	✓		
REP. ED DOLEZAL	✓		
REP. RUSSELL FAGG	✓		
REP. H.S. "SONNY" HANSON	✓		
REP. DAVID HOFFMAN	✓		
REP. ROYAL JOHNSON	✓		
REP. THOMAS LEE	✓		
REP. BOB PAVLOVICH	✓		
REP. JIM SOUTHWORTH	✓		
REP. FRED THOMAS	✓		
REP. DAVE WANZENRIED	✓		
REP. TIM WHALEN	✓		
REP. TOM KILPATRICK, V.-CHAIR	✓		
REP. CAROLYN SQUIRES, CHAIR	✓		

STANDING COMMITTEE REPORT

437
1/11/91
mc
January 10, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Labor report that House
Bill 85 (first reading copy -- white) do pass.

Signed: _____
Carolyn Squires, Chairman

VISITORS' REGISTER

Labor & Employment COMMITTEE

BILL NO. HB 85

DATE 1/10/91

SPONSOR Barry Stang

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

MONTANA LEGISLATIVE COUNCIL BILL STATUS SYSTEM
 FINAL COMMITTEE REPORT OF REFERRED BILLS
 COMMITTEE--(S) STATE ADMINISTRATION

PAGE NBR..... 273
 RUN TIME13:25
 RUN DATE.... 06/04/91

CHAIRMAN--ELEANOR VAUGHN

NORMAL SCHEDULE==> SITE: ROOM 331

DAYS: M,T,W,T,F

TIME: 10:00 A.M.

SECRETARY-DELORES HARRIS

--BILL NO--	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0015	1/15	1/18				
CODY, DOROTHY			EXPAND DEPARTMENT RULE REVIEWER REQUIREMENTS			
HB0038	1/22	1/25		CONCUR AS AMENDED	FINANCE & CLAIMS	1/25
GRADY, ED			REVISE SYSTEM FOR COLLECTION OF DELINQUENT ACCOUNTS BY STATE AUDITOR			
HB0052	1/21	1/24		CONCUR		1/24
NISBET, JERRY			CLARIFYING PROVISIONS OF TEACHERS' RETIREMENT SYSTEM			
HB0078	1/15	1/18		CONCUR		1/18
CODY, DOROTHY			CLARIFY THAT EMERGENCY RULE CANNOT BE READOPTED			
HB0079	1/25	1/30		CONCUR		1/30
NELSON, LINDA			DELETING NAME AND ADDRESS OF PRINTER FROM ELECTION MATERIALS DISCLOSURE			
HB0080	1/21	1/24		CONCUR		1/24
NISBET, JERRY			ALLOW TEACHER TO PURCHASE RETIREMENT SYSTEM CREDIT FOR LOSS DUE TO ABSENCE			
HB0085	1/18	1/23		CONCUR		1/23
STANG, BARRY			REQUIRE HIGHWAY PERSONNEL GRIEVANCES TO BE FILED WITHIN 180 DAYS			
HB0104				ADVERSE RPT ADOPT		2/11
JOHNSON, JOHN			ALLOW REDUCTION IN THE LENGTH OF A SCHOOL DAY FOR CERTAIN CIRCUMSTANCES			
HB0138	1/31	2/06		CONCUR		2/06
PETERSON, MARY LOU			QUALIFICATIONS AND CERTIFICATION FOR EMERGENCY DISPATCHERS			
HB0140	1/31	2/06		CONCUR		2/08
RANEY, BOB			REQUIRE STATE EMPLOYEE TO NOTIFY SUPERVISOR OF JOB OFFER BY REGULATED PERSON			
HB0158	2/13	3/11		CONCUR		3/11
WANZENRIED, DAVID			REVISING RETIREMENT FUND INVESTMENT			

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairperson Eleanor Vaughn, on January 23, 1991, at 10:10 A.M. in room 331.

ROLL CALL

Members Present:

Eleanor Vaughn, Chairman (D)
Bob Pipinich, Vice Chairman (D)
John Jr. Anderson (R)
Chet Blaylock (D)
James Burnett (R)
Bill Farrell (R)
Harry Fritz (D)
Bob Hockett (D)
Jack Rea (D)

Members Excused: Senator Bernie Swift

Staff Present: David Niss (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: None

HEARING ON HOUSE BILL 85

Presentation and Opening Statement by Sponsor:

Representative Barry Stang, House District #52, said House Bill 85 was introduced at the request of the Department of Highways. The bill is an act establishing a time period of 180 days in which an employee of the Department of Highways may file a personnel grievance with the Board of Personnel Appeals; barring grievances filed late and amending section 2-18-1001, MCA. The Highway Department has a history of people filing grievances in a lengthy period of time. This brings the Highway Department into agreement with the National Labor Relations Board whose regulation is 180 days to file a grievance.

Proponents' Testimony:

Jack Holstrom, Attorney for the Department of Highways, supports House Bill 85. A time period of 180 days is enough time to file a grievance. This bill further specifies that if they don't file within 180 days, they lose their right to go through that particular grievance. The reason this bill is necessary is

SENATE STATE ADMINISTRATION COMMITTEE

January 23, 1991

Page 2 of 6

Jack Holstrom, Attorney for the Department of Highways, supports House Bill 85. A time period of 180 days is enough time to file a grievance. This bill further specifies that if they don't file within 180 days, they loose their right to go through that particular grievance. The reason this bill is necessary is that the sections relating to grievances filed by department employees with the Board of Personnel Appeals do not provide any limiting time period, when an employee will be precluded from filing a grievance. Examples of the problems were given. It creates a hardship on the department both financially and administratively. Please pass this bill.

Opponents' Testimony:

None

Questions From Committee Members:

None

Closing by Sponsor:

Representative Stang closed by saying that the lawyer from the Department has done a good job of explaining the case and asked Senator Fritz to carry the bill to the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 85

Motion:

Senator Fritz made a motion to DO CONCUR IN HOUSE BILL 85.

Recommendation and Vote:

The VOTE was UNANIMOUS to DO CONCUR IN HOUSE BILL 85. Senator Fritz will carry it to the Senate floor.

HEARING ON SENATE BILL 149

Presentation and Opening Statement by Sponsor:

Senator Gerry Devlin, Senate District 13, is bringing Senate Bill 149 at the request of Department of Fish, Wildlife and Parks. It is an act simplifying the grievance procedure for employees of the Department of Fish, Wildlife, and Parks.

Proponents' Testimony:

SA012391.SM1

ROLL CALL

STATE ADMINISTRATION COMMITTEE

DATE 1-23-91

52 LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SENATOR ELEANOR VAUGHN	X		
SENATOR BOB PIPINICH	X		
SENATOR JOHN ANDERSON	X		
SENATOR CHET BLAYLOCK	X		
SENATOR JAMES BURNETT	X		
SENATOR "BILL" FARRELL	X		
SENATOR HARRY FRITZ	X		
SENATOR BOB HOCKETT	X		
SENATOR JACK "DOC" REA	X		
SENATOR BERNIE SWIFT			excused

Each day attach to minutes.

January 23, 1991

State Administration

VISITORS' REGISTER

[illegible]

SENATE STANDING COMMITTEE REPORT

Page 1 of 1

January 23, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 85 (third reading copy -- blue), respectfully report that House Bill No. 85 be concurred in and unaimously recommend that it be placed on the Consent Calendar.

Signed: Eleanor Vaughn

Eleanor Vaughn, Chairman

1991 1-23-91
Am. Coord.

SK 1-23 12:10
Sec. of Senate

HOUSE BILL NO. 85

INTRODUCED BY STANG

BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A TIME PERIOD OF 180 DAYS IN WHICH AN EMPLOYEE OF THE DEPARTMENT OF HIGHWAYS MAY FILE A PERSONNEL GRIEVANCE WITH THE BOARD OF PERSONNEL APPEALS; BARRING GRIEVANCES FILED LATE; AND AMENDING SECTION 2-18-1001, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-18-1001, MCA, is amended to read:

"2-18-1001. Highway department personnel grievances -- hearing. (1) An employee of the department of highways aggrieved by a serious matter of his employment based upon work conditions, supervision, or the result of an administrative action and who has exhausted all other administrative remedies is entitled to a hearing before the board of personnel appeals, under the provisions of a grievance procedure to be prescribed by the board, for resolution of the grievance.

(2) Direct or indirect interference, restraint, coercion, or retaliation by an employee's supervisor or the department of highways against an aggrieved employee because the employee has filed or attempted to file a grievance with

the board shall also be basis for a grievance and shall entitle the employee to a hearing before the board for resolution.

(3) A grievance under this part must be filed with the board of personnel appeals within 180 days after the alleged incident or action occurred. Failure to file the grievance within this period is a bar to proceeding with the grievance."

-End-

REFERENCE BILL.

HB 85

CONSENT CALENDAR